AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. §1251 et seq.; the "CWA"),

City of Berlin, New Hampshire

is authorized to discharge from the facility located at

Devens Street Extension
Berlin, New Hampshire 03570
and
One Associated Combined Sewer Overflow (CSO)
located near the Watson Street Pumping Station

to receiving water named

The Androscoggin River (Hydrologic Basin Code: 01040001)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective sixty (60) days from the date of issuance.

This permit and the authorization to discharge expires at midnight, five (5) years from the effective date.

This permit supersedes the permit issued on August 24, 1995.

This permit consists of 18 pages in Part I including effluent limitations, monitoring requirements, etc., **Attachment A**, Freshwater Acute Toxicity Test Procedures and Protocol; **Attachment B**, **Combined Sewer Overflows; Attachment C**, Sludge Compliance Guidance; and 35 pages in Part II, including General Conditions and Definitions.

Signed this 29th day of September, 2000

/Signature on File/
Linda M. Murphy, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency (EPA-New England)
Boston, Massachusetts

PART I.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS:

1.a. During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge treated sanitary, commercial and industrial wastewaters from outfall Serial Number 001 into the Androscoggin River. Such discharges shall be limited and monitored by the permittee as specified below. Samples taken in compliance with the monitoring requirements specified below shall be taken at a location that provides a representative analysis of the effluent.

Effluent Characteristic	Discharge Limitations						Monitoring Requirements	
	Average Monthly	Average Weekly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type
	(Lbs/day)							
Flow; MGD	---	---	---	Report	---	Report	Continuous	Recorder[1]
BOD_5	661	991	1102	30 mg/l	45 mg/l	50 mg/l	2/Week[2]	24-Hour Composite
TSS	661	991	1102	30 mg/l	45 mg/l	50 mg/l	2/Week[2]	24-Hour Composite
pH Range[3]	6.5 to 8.0 Standard Units (See I.E.1.a.)						1/Day	Grab
Total Residual Chlorine[4]; mg/l				1.0	---	1.0	1/Day	Grab
Escherichia coli[3,5]; Colonies/100 ml				126	---	406	3/Week	Grab
Whole Effluent Toxicity (WET)								
LC50 [6,7,8]; Percent				---	---	≥50	2/Year	24-Hour Composite
Ammonia Nitrogen as Nitrogen; mg/l[9]				---	---	Report	2/Year	24-Hour Composite
Hardness; mg/l[9]				---	---	Report	2/Year	24-Hour Composite
Total Recoverable Aluminum; mg/l[9]				---	---	Report	2/Year	24-Hour Composite
Total Recoverable Cadmium; mg/l[9]				---	---	Report	2/Year	24-Hour Composite
Total Recoverable Chromium; mg/l[9]				---	---	Report	2/Year	24-Hour Composite
Total Recoverable Copper; mg/l[9]				---	---	Report	2/Year	24-Hour Composite
Total Recoverable Nickel; mg/l[9]				---	---	Report	2/Year	24-Hour Composite
Total Recoverable Lead; mg/l[9]				---	---	Report	2/Year	24-Hour Composite

Total Recoverable Zinc; mg/l[9]	---	---	Report	2/Year	24-Hour Composite

NOTE: See pages 4 through 6 for explanation of superscripts.

1.b. During the period beginning on the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge stormwater and wastewaters from combined sewer overflow outfall Serial Number 002 into the Androscoggin River. The permittee is referred to **Attachment B**, "Combined Sewer Overflows". These discharges are authorized only during wet weather. Such discharges shall be limited to the outfall listed and shall be monitored by the permittee as specified below. Samples specified below shall be taken at a location that provides a representative analysis of the effluent.

Effluent Characteristic	Discharge Limitation	Monitoring Requirement	
	Wet-Weather Event Maximum	Measurement Frequency	Sample Type
Escherichia coli [5,10] (Colonies per 100 ml)	1000	1/Year	Grab

Note: See pages 4 through 6 for explanation of superscripts.

EXPLANATION OF SUPERSCRIPTS TO PART I.A.1.a.- 2.a. on pages 2 and 3:

(1) The effluent flow shall be continuously measured and recorded using a flow meter and totalizer.

(2) The influent concentrations of both BOD_5 and TSS shall be monitored twice per month (2/Month), using a 24-Hour Composite sample, and the results reported as average monthly values.

(3) State Certification Requirement.

(4) Total Residual Chlorine shall be measured using any one of the following three methods listed in a. through c.

a. DPD spectrophotometric (colorimetric).
EPA No. 330.5
or
Standard Methods [18th or subsequent edition(s) as approved in 40 Code of Federal Regulations (CFR) Part 136], No. 4500-Cl G.

b. DPD titrimetric (ferrous titrimetric).
EPA No. 330.4
or
Standard Methods [18th or subsequent edition(s) as approved in 40 CFR Part 136], No. 4500-Cl F.

c. Amperometric titration.
EPA No. 330.1
or
Standard Methods [18th or subsequent edition(s) as approved in 40 CFR Part 136], No. 4500-Cl D
or
ASTM No. D1253-86(92).

(5) The average monthly value for Escherichia coli shall be determined by calculating the geometric mean and the result reported. Escherichia coli shall be tested using test method 1103.1 found in Test Methods for Escherichia coli and Enterococci in Water by the Membrane Filter Procedure, EPA-600/4-85/076 as amended by test method 9213 D.3. found in Standard Methods for the Examination of Water and Wastewater, 19th or subsequent Edition(s) as approved in 40 CFR Part 136.

(6) LC50 (lethal concentration 50 percent) is the concentration of wastewater (effluent) causing mortality to 50 percent (%) of the test organisms. The "50 %" is defined as a sample which is composed of 50 % or greater effluent, the remainder being dilution water (See A.1 on Page 2 of Part 1 and **Attachment A** of Part 1). Therefore, a 50 % limit means that a sample of 50% or greater effluent shall cause no greater than a 50% mortality rate in that effluent sample. The limit is considered to be a maximum daily limit.

(7) The permittee shall conduct 48-hour Acute (static) Toxicity Tests on effluent samples using two species, Daphnid (Ceriodaphnia dubia) and Fathead Minnow (Pimephales promelas) following the protocol in **Attachment A** (Freshwater Acute Toxicity Test Procedure and Protocol dated December 1995). In addition, the permittee is allowed to use an alternate standard dilution water as diluent for the receiving water (Androscoggin River) for both Acute Toxicity Test species. Furthermore, each Acute Toxicity Test shall use three (3) separate controls composed of: (1) alternate standard dilution water; (2) laboratory water; and (3) site (receiving) water. Please note that the alternate standard dilution water must be of known quality with water quality characteristics such as hardness, pH, specific electrical conductivity, alkalinity, organic carbon and total suspended solids similar to those of the receiving water and not illicit a toxic response. Therefore, it is recommended that the permittee screen the alternate dilution water for suitability prior to toxicity testing.

Toxicity test samples shall be collected and tests completed each year during the 3rd and 4th calendar quarters ending September 30th and December 31st, respectively. Toxicity test results are to be submitted by the 15th day of the month following the end of the quarter sampled. For example, test results for the 3rd calendar quarter (June - September) are to be submitted with the Discharge Monitoring Report for September due to EPA-New England and NHDES-WD by October 15th.

(8) This permit shall be modified, or alternatively, revoked and reissued to incorporate additional toxicity testing requirements, including chemical specific limits, if the results of the toxicity tests indicate the discharge causes an exceedance of any State water quality criterion. Results from these toxicity tests are considered "New Information" and the permit may be modified as provided in 40 CFR §122.62(a)(2).

(9) For each Whole Effluent Toxicity test, the permittee shall report on the appropriate Discharge Monitoring Report (DMR) the concentrations of the Ammonia Nitrogen as Nitrogen, Hardness, and Total Recoverable Aluminum, Cadmium, Chromium, Copper, Lead, Nickel and Zinc found in the 100 percent effluent sample. All these aforementioned chemical parameters shall be determined to at least the Minimum Quantification Level (MLs) shown in **Attachment A** on page A-7, or as amended. Also, the permittee should note that all chemical parameter results must still be reported in the appropriate toxicity report.

(10) The permittee shall sample the CSO outfall listed in **Attachment B** at least once per year. The sampling shall occur during a wet-weather discharge event. A minimum of one grab sample shall be collected beginning at least one-half hour after the outfall begins to discharge. The sampling can be conducted during the POTW's normal business hours; however, sampling could be conducted outside those hours at the discretion of the permittee. If more than one sample is collected per outfall per wet-weather event, the maximum value for Escherichia coli shall be determined by calculating the geometric mean [Refer to Superscript (5)]. Results from each year's sampling shall be reported with each December Discharge Monitoring Report (DMR) which is due by January 15th. The first round of CSO samples shall be collected beginning with the 2001 calendar year meaning the first set of results are to be reported on the December 2001 DMR. If an individual CSO does not discharge or does not discharge sufficiently to collect a sample during the calendar year, report "C" for that outfall on the December DMR.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued):

2. The discharge shall not cause a violation of the water quality standards of the receiving water.

3. The discharge shall be adequately treated to insure that the surface water remains free from pollutants in concentrations or combinations that settle to form harmful deposits, float as foam, debris, scum or other visible pollutants. It shall be adequately treated to insure that the surface waters remain free from pollutants which produce odor, color, taste or turbidity in the receiving waters which is not naturally occurring and would render it unsuitable for its designated uses.

4. The permittee's treatment facility shall maintain a minimum

of 85 percent removal of both BOD_5 and TSS. The percent removal shall be based on a comparison of average monthly influent versus effluent concentrations.

5. When the effluent discharged for a period of 90 consecutive days exceeds 80 percent of the 2.64 MGD design flow or 2.11 MGD, the permittee shall submit to the permitting authorities a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans. Before the design flow will be reached, or whenever treatment necessary to achieve permit limits cannot be assured, the permittee may be required to submit plans for facility improvements.

6. The permittee shall not discharge into the receiving water any pollutant or combination of pollutants in toxic amounts.

7. No components of the effluent shall result in any demonstrable harm to aquatic life or violate any water-quality standard which has been or may be promulgated. Upon promulgation of any such standard, this permit may be revised or amended in accordance with such standards, the permittee being so notified.

8. All Publicly Owned Treatment Works (POTWs) must provide adequate notice to both EPA-New England and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) of the following:

   a. Any new introduction of pollutants into the POTW from an indirect discharger in a primary industry category (See 40 CFR Part 122, Appendix A as amended) discharging process water; and

   b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

c. For purposes of this paragraph, adequate notice shall include information on:

(1) The quantity and quality of effluent introduced into the POTW; and

(2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

9. Limitations for Industrial Users:

a. User may not introduce into the Publicly Owned Treatment Works (POTWs) any pollutant(s) which cause Pass Through or Interference with the operation or performance of the works. The terms User, Pass Through and Interference are defined in 40 CFR §403.3

b. The permittee shall submit to EPA-New England and NHDES-WD the name of any Industrial User (IU) subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR Chapter I, Subchapter N (Parts 405-415, 417-436, 439-440, 443, 446-447, 454-455, 457-461, 463-469, and 471 as amended) **who commences discharge to the POTW after the effective date of this permit.** This reporting requirement also applies to any other IU that discharges an average of 25,000 gallons per day or more of process wastewater into the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastewater which makes up five (5) percent or more of the average dry-weather hydraulic or organic capacity of the POTW; or is designated as such by the Control Authority as defined in 40 CFR §403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR §403.8(f)(6)).

c. In the event that the permittee receives reports (baseline monitoring reports, 90-day compliance reports, periodic reports on continued compliance, etc.) from industrial users subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR Chapter I, Subchapter N, (Parts 405-415, 417-436, 439-440, 443, 446-447, 454-455, 457-461, 463-469, and 471 as amended) the permittee shall forward all copies of these reports within ninety (90) days of their receipt to EPA-New England and NHDES-WD.

B. COMBINED SEWER OVERFLOWS

1. EFFLUENT LIMITATIONS

a. During wet weather, the permittee is authorized to discharge storm water/wastewater from combined sewer outfall listed **in Attachment B**, " List of Combined Sewer Overflows", subject to the following effluent limitations.

i. The discharges shall receive treatment at a level providing Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT) to control and abate conventional pollutants and Best Available Technology Economically Achievable (BAT) to control and abate non-conventional and toxic pollutants. The EPA has made a Best Professional Judgement (BPJ) determination that BPT, BCT, and BAT for combined sewer overflow (CSO) control include the implementation of Nine Minimum Controls (NMC) specified below and detailed further in **Part I.B.2.** Nine Minimum Controls, Minimum Implementation Levels, of this permit:

(1) Proper operation and regular maintenance programs for the sewer system and the combined sewer overflows.

(2) Maximum use of the collection system for storage.

(3) Review and modification of the pretreatment program to assure CSO impacts are minimized.

(4) Maximization of flow to the POTW for treatment.

(5) Prohibition of dry weather overflows from CSOs.

(6) Control of solid and floatable materials in CSO.

(7) Pollution prevention programs that focus on contaminant reduction activities.

(8) Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts.

(9) Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls.

Implementation of these controls is required by the

effective date of the permit. The permittee submitted documentation of the implementation of these nine minimum controls by letter dated June 8, 1998. The EPA-New England and the NHDES-WD are currently reviewing that documentation. Approvable documentation must include the minimum requirements set forth in **Part I.B.2.** of this Permit and any additional activities the permittee can reasonably undertake. The permittee must implement the activities identified in the nine minimum controls documentation submitted on June 8, 1998, along with any revisions to that document that may be required.

ii. The discharges shall not cause violations of Federal or State Water Quality Standards.

2. NINE MINIMUM CONTROLS, MINIMUM IMPLEMENTATION LEVELS

a. The Permittee must implement the nine minimum controls in accordance with the documentation provided under **Part I.B.1.a.i.** of this permit. This implementation must include the following controls plus other controls the Permittee can reasonably implement as set forth in the documentation.

b. Each CSO structure/regulator, pumping station and/or tidegate shall be routinely inspected, at a minimum of once per month, to insure that they are in good working condition and adjusted to minimize combined sewer discharges and tidal surcharging. The following inspection results shall be recorded: the date and time of the inspection, the general condition of the facility, and whether the facility is operating satisfactorily. If maintenance is necessary, the permittee shall record: the description of the necessary maintenance, the date the necessary maintenance was performed, and whether the observed problem was corrected. The permittee shall maintain all records of inspections for at least three years.

Annually, no later than January 15th, the permittee shall submit a certification to EPA-New England and NHDES-WD which states that the previous calendar year's monthly inspections were conducted, results recorded, and records maintained.

The EPA-New England and NHDES-WD have the right to inspect any CSO related structure or outfall at any time without prior notification to the permittee.

c. Discharges to the combined system of septage, holding tank wastes or other material which may cause a visible oil sheen or contain floatable material(s) are prohibited during wet weather when CSO discharges may be active.

d. Dry-weather overflows (DWOs) are prohibited. All dry-weather sanitary and/or industrial discharges from CSOs must be reported to EPA-New England and NHDES-WD within 24 hours in accordance with the reporting requirements for plant bypass (**Paragraph D.1.e. of Part II** of this permit).

e. The permittee shall quantify and record all discharges from combined sewer outfalls. Quantification may be through direct measurement or estimation. When estimating, the permittee shall make reasonable efforts, i.e. gaging, measurements, to verify the validity of the estimation technique. The following information must be recorded for each combined sewer outfall for each discharge event:

- Estimated duration (hours) of discharge;
- Estimated volume (gallons) of discharge; and
- National Weather Service precipitation data from the nearest gage where precipitation data are available at daily (24-hour) intervals and the nearest gage where precipitation data are available at one-hour intervals. Cumulative precipitation per discharge event shall be calculated.

The permittee shall maintain all records of discharges for at least six years after the effective date of this permit.

Annually, no later than January 15th, and in conjunction with the requirement in **Part I.B.2.b.** the permittee shall submit a certification to the EPA-New England and NHDES-WD which states that all the discharges from combined sewer outfalls were recorded, and records maintained for the previous calendar year. In addition, the permittee shall include a copy of all records of CSO discharge(s) during the previous calendar year collected under **Part I.B.2.d.** and **Part I.B.2.e.**

f. The permittee shall install and maintain identification signs for all combined sewer outfall structures. The signs must be located at or near the combined sewer outfall structures and easily readable by the public. These signs shall be a minimum of 12 x 18 inches in size, with white lettering against a green background, and shall contain the following information:

CITY OF BERLIN
WET WEATHER
SEWAGE DISCHARGE
OUTFALL 002

g. The permittee shall provide immediate notification to the NHDES-WD, Watershed Management Bureau in the event of a CSO discharge.

3. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall 001 and the CSO outfall listed in **Attachment B** of this permit. Discharges of wastewater from any other point source are not authorized under this permit, unless in accordance with **Part II.B.4 (Bypass)** of this permit. Dry-weather overflows (DWOs) are prohibited. All dry-weather sanitary and/or industrial discharges from CSOs must be reported to EPA-New England and the NHDES-WD within 24 hours in accordance with the reporting requirements for Part II.D.1.e. of this permit.

4. REOPENER/ADDITIONAL CSO CONTROL MEASURES

This permit may be modified or reissued upon the completion of a long-term CSO control plan. Such modification may include performance standards for the selected controls, post construction water quality assessment program, monitoring for compliance with water quality standards, and a reopener clause to be used in the event that the selected CSO controls fail to meet water quality standards. Section 301(b)(1)(C) requires that a permit include limits that may be necessary to protect Federal and State water quality standards.

C. SLUDGE CONDITIONS

1. The permittee shall comply with all existing federal & state laws and regulations that apply to sewage sludge use and disposal practices and with the CWA Section 405(d) technical standards.

2. The permittee shall comply with the more stringent of either the state (Env-Ws 800) or federal (40 CFR Part 503) requirements.

3. The requirements and technical standards of 40 CFR Part 503 apply to facilities which perform one or more of the following use or disposal practices.

   a. Land application - the use of sewage sludge to condition or fertilize the soil.
   b. Surface disposal - the placement of sewage sludge in a sludge only landfill.
   c. Placement of sludge in a municipal solid waste landfill (See 40 CFR Section 503.4).
   d. Sewage sludge incineration in a sludge only incinerator.

4. These 40 CFR Part 503 conditions do not apply to facilities which place sludge within a municipal solid waste landfill. These conditions also do not apply to facilities which do not dispose of sewage sludge during the life of the permit, but rather treat the sludge(lagoons-reed beds), or are otherwise excluded under 40 CFR Section 503.6.

5. The permittee shall use and comply with the attached sludge compliance guidance document to determine appropriate conditions. Appropriate conditions contain the following elements:

   General requirements
   Pollutant limitations
   Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
   Management practices
   Record keeping
   Monitoring
   Reporting

   Depending upon the quality of material produced by a facility all conditions may not apply to the facility.

6. The permittee shall monitor the pollutant concentrations, pathogen reduction and vector attraction reduction for the

permittee's chosen sewage sludge use or disposal practices at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry-metric tons per year.

less than 290	1/year
290 to less than 1,500	1/quarter
1,500 to less than 15,000	6/year
15,000 plus	1/month

7. The permittee shall sample the sewage sludge using the procedures detailed in 40 CFR 503.8.

8. The permittee shall submit an annual report containing the information specified in the Sludge Compliance Guidance document. Reports are due annually by February 19th. Reports shall be submitted to the addresses (both EPA-New England and NHDES-WD) contained in the reporting section of the permit.

D. MONITORING AND REPORTING

Monitoring results shall be summarized for each calendar month and reported on separate Discharge Monitoring Report Form(s) (DMRs) postmarked no later than the 15th day of the month following the completed reporting period.

Signed and dated original DMRs and all other reports required herein, shall be submitted to the Director at the following address:

U.S. Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114-8127

Duplicate signed copies of all reports required herein shall be submitted to the State at:

New Hampshire Department of Environmental Services
Water Division
Wastewater Engineering Bureau
6 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095

E. STATE PERMIT CONDITIONS

1. The permittee shall comply with the following conditions which are included as State Certification requirements.

   a. The pH range of 6.5-8.0 Standard Units (S.U.) must be achieved in the final effluent unless the permittee can demonstrate to NHDES-WD: (1) that the range should be widened due to naturally occurring conditions in the receiving water or (2) that the naturally occurring receiving water pH is not significantly altered by the permittee's discharge. The scope of any demonstration project must receive prior approval from NHDES-WD. In no case, shall the above procedure result in pH limits outside of the range of 6.0 to 9.0 S.U., which is the federal effluent limitation guideline regulation for pH for secondary treatment and is found in 40 CFR §133.102(c).

   b. Pursuant to State Law NH RSA 485-A:13 and the New Hampshire Code of Administrative Rules, Env-Ws 706.08(b) and Env-Ws 904.08 the following submissions shall be made to NHDES-WD by a municipality proposing to accept into its POTW (including sewers and interceptors):

      (1) A “Sewer Connection Permit” request form for:

         (a) Any proposed sewerage, whether public or private;

         (b) Any proposed wastewater connection or other discharge in excess of 5,000 gallons per day;

         (c) Any proposed wastewater connection or other discharge to a wastewater treatment facility operating in excess of 80 % design flow capacity; and

         (d) Any proposed connection or other discharge of industrial wastewater, regardless of quality or quantity.

      (2) An “Industrial Discharge Permit Request Application” form for any new or increased loadings of industrial waste, as defined in RSA 485-A:2, VI.

   c. The permittee shall not at any time, either alone or in conjunction with any person or persons, cause directly or indirectly the discharge of waste into the said receiving water unless it has been treated in such a manner as will

not lower the legislated water quality classification or interfere with the uses assigned to said water by the New Hampshire Legislature (RSA 485-A:12).

d. Any modifications of the Permittee's Sewer-Use Ordinance, including local limitations on pollutant concentrations, shall be submitted to the NHDES-WD for approval prior to adoption by the permittee.

e. Within 90 days of the effective date of this permit, the permittee shall submit to NHDES-WD a copy of its current sewer-use ordinance and a copy of any other document granting legal authority to issue permits to industries discharging industrial waste to the municipal wastewater treatment plant.

f. Within 120 days of the effective date of this permit, the permittee shall submit to NHDES-WD a current list of all industries discharging industrial waste to the municipal wastewater treatment plant. At a minimum, the list shall indicate the name and address of each industry, along with the following information: telephone number, contact person, facility description, production quantity, products manufactured, industrial processes used, chemicals used in processes, existing level of pretreatment, and list of existing discharge permits.

g. Within 270 days of the effective date of this permit, the permittee shall submit to NHDES-WD a copy of discharge permit(s) issued to each industry discharging industrial waste to the municipal wastewater treatment plant. At a minimum, each permit shall contain the following: effective dates; flow and applicable pollutant limits; self-monitoring, reporting, compliance monitoring and inspection provisions; and enforcement criteria. If industrial permitting authority does not exist as of the effective date of this permit, the permittee is requested to submit to the NHDES-WD a proposed plan and implementation schedule for adopting such authority and implementing an industrial permitting system.

2. This NPDES Discharge Permit is issued by the EPA under Federal and State law. Upon final issuance by the EPA, the NHDES-WD may adopt this permit, including all terms and conditions, as a State permit pursuant to RSA 485-A:13.

   Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of the Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation.

F. SPECIAL CONDITIONS

pH Limit Adjustment

The permittee may submit a written request to the EPA-New England requesting a change in the permitted pH limit range to be not less restrictive than 6.0 to 9.0 Standard Units found in the applicable National Effluent Limitation Guideline (Secondary Treatment Regulations in 40 CFR Part 133) for this facility. The permittee's written request must include the State's approval letter containing an original signature (no copies). The State's letter shall state that the permittee has demonstrated to the State's satisfaction that as long as discharges to the receiving water from a specific outfall are within a specific numeric pH range the naturally occurring receiving water pH will be unaltered. That letter must specify for each outfall the associated numeric pH limit range. Until written notice is received by certified mail from the EPA-New England indicating the pH limit range has been changed, the permittee is required to meet the permitted pH limit range in the respective permit.

Toxic Pollutant Scans

The permittee shall analyze the effluent from Outfall 001, for a total of **two pollutant scans** conducted during the **last two calendar quarters of 2001**, for the Organic Toxic Pollutants as Volatiles, Acid Compounds, and Base/Neutral Compounds listed in 40 CFR 122, Appendix D, Table II and for the other Toxic Pollutants (Total Recoverable Metals and Cyanide); and Total Phenols in 40 CFR 122, Appendix D, Table III. Samples shall be collected using a grab sample along with samples collected for the quarterly Whole Effluent Toxicity Tests [3rd and 4th calendar quarters, See superscript (7) on page 5 for exact months]. The reported data are to comply with the QA/QC requirements of 40 CFR 136 and other appropriate QA/QC requirements for standard methods for analytes not addressed by 40 CFR 136. Results for each individual compound and the method detection limit (MDL), minimum level (ML), or other designated endpoint reflecting the precision of the analytical method used for each compound shall be reported. For Gas Chromatography/Mass Spectroscopy, all results found to be present by spectral confirmation are to be reported. These results are to be submitted on a separate form by the 15th day of the month following the end of the quarter sampled which is the same submission dates as for the WET tests [See superscript (7) on page 5]. This permit condition shall be satisfied after the submission of two consecutive quarterly test results.

Whole Effluent Toxicity Test Frequency Adjustment

The permittee may submit a written request to the EPA-New England requesting a reduction in the frequency (to not less than once per year) of required toxicity testing, after completion of a minimum of the most recent four (4) successive toxicity tests of effluent, all of which must be valid tests and must demonstrate compliance with the permit limits for whole effluent toxicity. Until written notice is received by certified mail from the EPA-New England indicating that the Whole Effluent Testing requirement has been changed, the permittee is required to continue testing at the frequency specified in the respective permit.